

Jacob Rice

v.

City of Columbus
Sgt. Lukas Nibarger

FILED

05/27/2022

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, Clerk

1:22-cv-1109-SEB-MJD

Complaint

Parties:

Plaintiff Jacob Rice is a Citizen of Indiana And resides at the Bartholomew County Sheriff Department 543 2nd Columbus, Ind 47201

Defendants City of Columbus and Sgt. Nibarger Are Citizens of Indiana and Employed By the City of Columbus at 123 Washington St Columbus, Indiana 47201

Plaintiff Rice brings Suit Against the named Defendants for Violation of His Civil Rights under 42 U.S.C § 1983 of the United States Constitution

Facts

1. on June 27th 2021 in Columbus Indiana Sgt. Nibarger responded to a call from a Home owner that a suspicious person was in their Back yard
2. the plaintiff was stopped By officer Nibarger And told to put his hands in the air
3. the Plaintiff Ran from officer Nibarger.
4. while the plaintiff was Running a weapon Accidentally discharged.
5. After the gun discharged the Plaintiff Dropped the weapon and placed his hands in the air with his Back to the Defendant
6. Even though the Plaintiff Surrendered with His hands in the air and clearly not a threat To Sgt. Nibarger the officer Shot the plaintiff in the back.

Claim for Relief against Sgt. Nibarger

7. the plaintiff realleges the allegations in lines 1 through 6 of the Complaint

8. officer Nibarger used Lethal force against the plaintiff without Justification which violated the plaintiff's Constitutional Rights. the plaintiff surrendered after throwing the weapon on the ground and putting his hands up in the air and clearly not a threat to the Defendant. without having probable Cause to use lethal force on the plaintiff the Defendant violated the plaintiff's 4th and 14th Amendment Rights

Plaintiff charges Sgt. Nibarger:

Count 1 - Violation of the 4th Amendment
Excessive Force

Count 2 - Violation of Substantive Due
Process of the 14th Amendment

All Claims Causing Injury By loss of liberty, physical Pain and Suffering, Emotional distress, monetary loss

Claim for Relief against City of Columbus

9. Plaintiff realleges the allegations in lines 1 through 6 of the Complaint
10. the City of Columbus was deliberately Indifferent to the obvious need for training Sgt. Nibarger And having a unconstitutional Policy that was a direct result of the Injury to the plaintiff By Sgt. Nibarger from a failure to train. the City of Columbus' failure to train Sgt. Nibarger about the use of lethal force And when it should be used was A result of the plaintiff Being Shot By Sgt. Nibarger without Justification Causing Injury.

Plaintiff charges City of Columbus:

Count 1 - Deliberate Indifference

Count 2 - failure to train

all Claims Causing Injury By loss of liberty,
pain and Suffering, Emotional Distress

11. Plaintiff make A Jury Trial Demand
12. Plaintiff is Suing for Violation of federal LAW
28 USC § 1331

Prayer for Relief

Plaintiff is Suing for the Amount of
\$250,000.00 from Each Defendant.

So said and filed this 13th day of May
2022

Jacob Rice

Jacob Rice
543 2nd
Columbus, Ind.
47201